

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN MEDINA,

Defendant.

Case No. CR05-154L

ORDER DENYING MOTION FOR
GOVERNMENT'S WITNESS LIST OR
DECLINATION LETTER

This matter comes before the Court on defendant's "Motion for Government's Witness List or Declination Letter" (Dkt. # 8). Defendant relies on Local Rules CrR 16(a)(1)(L) & (e) to argue that by the close of discovery the government must provide defendant with the names and addresses of the witnesses it intends to call at trial or, in the alternative, must explain why it has declined to do so.


Defendant reads the requirements of CrR 16(a)(1)(L) too broadly. Although the government may provide defendant with a witness list, it is not required to do so. See U.S. v. Sukumolachan, 610 F.2d 685, 688 (9th Cir. 1980) ("The government need not furnish the defendant with a list of witnesses in a non-capital case"). Local Rule CrR 16(a)(1)(L) only requires the government to tell defendant whether it will, or will not, exercise its discretion to provide such a list.

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1 If, as here, the government chooses to provide a witness list, it has no further obligations
2 under CrR 16(a)(1)(L).¹ The rule does not, for example, require that the list be turned over at
3 any particular time. By stating that it will provide a witness list one week before the beginning
4 of trial, the government has satisfied its obligations under CrR 16(a)(1)(L) and need not submit a
5 declination letter under CrR 16(e).

6 For the foregoing reasons, defendant's Motion for Government's Witness List or
7 Declination Letter (Dkt. # 8) is DENIED.

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9 DATED this 12th day of May, 2005.

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12 Robert S. Lasnik
13 United States District Judge
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¹Of course, if the government indicated that it would not provide a witness list, it would be
26 required to state in writing the reasons
27 for its decision. See CrR 16(e).